

Message

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**From:** Woolford, James [Woolford.James@epa.gov]  
**Sent:** 3/4/2015 11:17:17 PM  
**To:** Stanislaus, Mathy [Stanislaus.Mathy@epa.gov]; Breen, Barry [Breen.Barry@epa.gov]; Natarajan, Nitin [Natarajan.Nitin@epa.gov]; Hestmark, Martin [Hestmark.Martin@epa.gov]  
**Subject:** FW: Heads up: Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82 - AOC

FYI

Jim Woolford, Director  
Office of Superfund Remediation & Technology Innovation  
US EPA

Sent from my Windows Phone  
Please excuse typos

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**From:** Ammon, Doug  
**Sent:** 3/4/2015 5:26 PM  
**To:** Woolford, James; Richardson, RobinH; Stalcup, Dana; Cooper, DavidE  
**Subject:** Heads up: Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82 - AOC

Andrew Otis, a lawyer representing the Columbia Falls Aluminum Company, called me yesterday. He knew about the strong Governor's letter and the likelihood of a March proposal. I indicated that any discussions about an agreement would need to go through the Region 8 Attorney, Mark Chalfant. Mr. Otis was very persistent about trying to stop the proposed NPL listing and may be trying to contact Mathy's office or Congressman Zinke.

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**From:** Ketellapper, Victor  
**Sent:** Friday, February 27, 2015 11:45 AM  
**To:** Ammon, Doug; Browne, Nancy; Lammie, Benjamin  
**Cc:** Chalfant, Mark; Parker, Robert; Myers, Robert  
**Subject:** RE: Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82 - AOC

Confidential

Region 8 agrees that the best approach at this time is to proceed with proposing the site to the NPL. In addition to support letter from Montana's Governor and Senator Tester, the community strongly supports proposing the site to the NPL. The Region would consider a SAA approach after the site is proposed.

Victor

**Victor Ketellapper, Team Leader**  
EPA Region 8, Superfund Site Assessment Program  
303-312-6578

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**From:** Ammon, Doug  
**Sent:** Friday, February 27, 2015 9:16 AM

**To:** Browne, Nancy; Lammie, Benjamin

**Cc:** Chalfant, Mark; Ketellapper, Victor; Parker, Robert; Myers, Robert

**Subject:** Fwd: Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82 - AOC

I have not talked to region 8. We have a very recent Governor's letter supporting listing and last week we sent to Senator Tester a response letter indicating that we expect to propose the site in March. So I'm concerned about pulling it from our March rule on an eleventh hour request. It might still be OK to use the SAA once it is proposed but not final but need region 8's support.

DCA Iphone

Begin forwarded message:

**From:** "Otis, Andrew D." <aotis@curtis.com>

**Date:** February 25, 2015 at 11:04:50 AM PST

**To:** "'Ammon.Doug@epa.gov'" <Ammon.Doug@epa.gov>

**Cc:** "Chalfant.Mark@epa.gov" <Chalfant.Mark@epa.gov>

**Subject:** FW: Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82 - AOC

Dear Mr. Ammon,

I represent Columbia Falls Aluminum Company ("CFAC"). CFAC is the current owner of the Anaconda Aluminum Company site in Columbia Falls, Montana. Please see the correspondence below regarding the site. It is my understanding that EPA is considering proposing the site for listing on the National Priorities List ("NPL") in the near future. CFAC requests that the site be considered for inclusion in the EPA's Superfund Alternative Approach prior to being proposed to be listed on the NPL. In the email train below and in telephone conversations in December 2014, CFAC expressed to Mark Chalfant, counsel in Region 8, its interest in discussing entering into an AOC with the EPA to perform a site investigation. CFAC has already hired Roux Associates to begin developing an Remediation Investigation Workplan.

CFAC requests a meeting with you prior to EPA publishing a notice of its intent to list the site on the NPL.

Please feel free to contact me to discuss this matter and I look forward to scheduling a meeting with you soon.

Best regards,

Andrew Otis

Andrew D. Otis  
Partner  
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New York, NY 10178-0061  
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Fax: (917) 368 - 7307  
[www.curtis.com](http://www.curtis.com)  
Skype: Andrew.Otis



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**From:** Chalfant, Mark [<mailto:Chalfant.Mark@epa.gov>]

**Sent:** Tuesday, February 24, 2015 6:16 PM

**To:** Otis, Andrew D.

**Subject:** FW: Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82 - AOC

Mr. Otis:

My apologies, I left out Mr. Ammon's direct dial number, which is 703-347-8925, in my email reply. His email is [Ammon.Doug@epa.gov](mailto:Ammon.Doug@epa.gov).

-Mark

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**From:** Chalfant, Mark

**Sent:** Tuesday, February 24, 2015 4:10 PM

**To:** 'Otis, Andrew D.'

**Subject:** RE: Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82 - AOC

Mr. Otis:

Thank you for your reply and for elaborating on the company's position. As requested, the contact for NPL listing at EPA Headquarters is:

Mr. Doug Ammon

Chief, Site Assessment and Remedy Decision Branch

Assessment and Remediation Division

Office of Superfund Remediation and Technology Innovation

Office of Solid Waste and Emergency Response

I will be in touch with you upon my return to the office in mid-March.

Thank you.

-Mark

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**From:** Otis, Andrew D. [<mailto:aotis@curtis.com>]

**Sent:** Tuesday, February 24, 2015 3:51 PM

**To:** Chalfant, Mark

**Subject:** RE: Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82 - AOC

Mark,

Thanks for getting back to me. With regard to NPL listing, we are aware of the letters from Governor Bullock and Senator Tester but do not think that there is unanimous support for listing the site on the NPL among the Montana Congressional delegation. We would be happy to provide our views to those at EPA Headquarters responsible for proposing the site on the NPL. Can you please provide me with a contact name.

We believe that CFAC is a good candidate for consideration in the Superfund Alternative Approach: without necessarily agreeing with the EPA's conclusions, we understand that the HRS computed by EPA based on past assessments exceeds 28.5 and CFAC is a willing, capable PRP who will

negotiate an agreement with EPA to investigation. Thus, we request that the site be evaluated for the SA approach prior to being listed on the NPL.

We look forward to the prospect of working with you as well.

Best regards,

Andrew

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**From:** Chalfant, Mark [<mailto:Chalfant.Mark@epa.gov>]

**Sent:** Tuesday, February 24, 2015 3:50 PM

**To:** Otis, Andrew D.

**Subject:** RE: Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82 - AOC

Mr. Otis:

Thank you for your follow-up message. In response to your request that the EPA defer proposing the site for inclusion on the National Priorities List (NPL), we will relay your request to the EPA Headquarters officials responsible for proposing the site on the NPL.

The EPA's Denver regional office completed an initial site assessment in April, 2014 to evaluate potential or confirmed releases of hazardous substances that may pose a threat to human health or the environments. Based on available information, we believe that listing is appropriate and the best vehicle for addressing the site. Governor Steve Bullock and United States Senator Jon Tester are on record in support of listing. As I noted in my previous email, the proposed listing will be open for public comment.

There will be ample opportunity for the EPA and Columbia Falls Aluminum Company to discuss next steps, including an Administrative Order on Consent to study the nature and extent of contamination (Remedial Investigation) and evaluate potential cleanup alternatives (Feasibility Study). The EPA welcomes the company's desire to enter into an AOC, and I look forward to working with you.

-Mark

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**From:** Otis, Andrew D. [<mailto:aotis@curtis.com>]

**Sent:** Monday, February 23, 2015 2:40 PM

**To:** Chalfant, Mark

**Subject:** RE: Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82 - AOC

Dear Mark,

Thanks for your response and notice about a potential proposed NPL listing for the site. We would request that EPA hold off on proposing to list the site on the NPL until we have had a chance to meet and discuss an AOC for performing site assessment. CFAC believes that the site can be addressed effectively through agreements with EPA and need not be proposed to be listed on the NPL. We look forward to meeting with you but are also available to meet with others from EPA during the period on which you will be on leave.

Best regards,

Andrew

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**From:** Chalfant, Mark [<mailto:Chalfant.Mark@epa.gov>]  
**Sent:** Monday, February 23, 2015 4:25 PM  
**To:** Otis, Andrew D.  
**Subject:** RE: Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82 - AOC

Mr. Otis:

Thank you for your message. I will be out of the office on leave for the next two and a half weeks returning to the office on Monday, March 16<sup>th</sup>. I appreciate your follow-up, and will contact you upon my return to the office in mid-March to discuss next steps on the Administrative Order on Consent for the above-referenced site.

I also wanted to let you know that the EPA may propose the above-referenced site for inclusion on the National Priorities List (NPL) as early as March, 2015. Public comment on the proposed NPL listing will be open for sixty days following publication of the proposed listing in the Federal Register.

-Mark

**Mark A.R. Chalfant**  
Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance and Environmental Justice | U.S. EPA Region 8  
303.312.6177 | [chalfant.mark@epa.gov](mailto:chalfant.mark@epa.gov)

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**From:** Otis, Andrew D. [<mailto:aotis@curtis.com>]  
**Sent:** Monday, February 23, 2015 8:57 AM  
**To:** Chalfant, Mark  
**Subject:** Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82 - AOC

Dear Mark,

Following up on our telephone call in November, 2014, CFAC would like to reiterate its desire to begin discussions about entering into an Administrative Order On Consent with the EPA regarding assessment activities at the above referenced site. During our November telephone call, you had said that you thought that such discussions would be a logical next step and would contact me with regard to scheduling. I have not heard from you and thus wanted to follow up and begin that scheduling discussion.

Please feel free to contact me if you have any questions and I look forward to hearing from you regarding when we may schedule a call or in person meeting to discuss next steps with regard to an AOC.

Many thanks and best regards,

Andrew Otis

Andrew D. Otis  
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